

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BIONPHARMA INC.	)	
	)	
	)	Civil Action No. 21-10656-JGK
	)	
v.	)	<b>[PROPOSED]</b>
	)	<b>PRELIMINARY INJUNCTION</b>
CORERX, INC.,	)	
	)	
	)	
Defendant.	)	
	)	

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This matter having been opened to the Court by Holland & Knight LLP, attorneys for plaintiff Bionpharma Inc. (Charles A. Weiss, Esq., and Marisa Marinelli, Esq., appearing), on notice to and in the presence of Buchanan Ingersoll & Rooney PC, attorneys for defendant CoreRx, Inc. (Peter S. Russ, Esq., and Matthew L. Fedowitz, Esq., appearing), and the Court having considered the filings submitted by the parties and heard argument of counsel, for the reasons set forth in the Opinion and Order entered on January 27, 2022 (D.I. 50) and good cause appearing, it is ORDERED, ADJUDGED, AND DECREED that Bionpharma Inc.'s motion for a preliminary injunction shall be and hereby is GRANTED as follows:

1. Defendant CoreRx, Inc. ("CoreRx"), its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them who have actual notice of this preliminary injunction by personal service or otherwise are hereby ENJOINED AND RESTRAINED from failing to have CoreRx fill the orders for enalapril maleate oral solution ("Product") placed by plaintiff Bionpharma Inc. ("Bionpharma") under the parties' Master Manufacturing Supply Agreement (the "Agreement") in purchase order 4500001497 and purchase order 4500001835, as more specifically set forth in paragraphs 2 and 3 below.

2. CoreRx shall fill the balance of purchase order 4500001497, amounting to 12,459 bottles of Product, according to the terms therein by no later than March 4, 2022.

3. CoreRx shall fill purchase order 4500001835, for 6,000 bottles of Product, according to the terms therein, by no later than March 17, 2022.

4. For clarity, this preliminary injunction does not (i) relieve Bionpharma of its obligation under the Agreement to pay CoreRx for the Product to be manufactured and delivered pursuant to paragraphs 2 and 3 in accordance with the terms of such purchase orders, or (ii) otherwise relieve any party of its respective obligations under the Agreement.

IT IS FURTHER ORDERED that:

5. The parties should immediately commence mediation as set forth in the Agreement.

6. This case is stayed pending the conclusion of mediation or further order of the Court.

7. The parties shall submit a joint status report by February 28, 2022.



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JOHN G. KOELTL, U.S.D.J.

DATED: 2/4/22